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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,709	10/17/2003	Johnathan R. Wise	22224 . 01	8809

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EXAMINER	
FLETCHER, MARLON T	
ART UNIT	**PAPER NUMBER**
2837	

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/686,709	WISE, JOHNATHAN R.	
	Examiner	Art Unit	
	Marlon T. Fletcher	2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,5,7-9,11,12,14 and 15* is/are rejected.

7)☒ Claim(s) *3,6,10,13 and 16* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/17/2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

3DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 17 and 18 recite a real drum trigger monitor kit. However, the claim does not point out all of the necessary components for making up the drum monitor kit. There is no recitation of the monitor or trigger and how the structure ties in with the trigger or monitor. This claim merely recites the arrangement of the speakers within the drum.

3. Claims 17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: the electronic trigger sensor; a connector and/or interface for providing a connection of the trigger sensor to the speakers.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Rogers (5,430245).

Rogers (claim 1) discloses a real drum trigger monitor and amplified tone module (column 5, lines 59-65), comprising: a hollow drum shell (80) having at least one drumhead closing one end of the drum shell (figure 3); an electronic trigger sensor (134) mounted within the drum shell, the trigger sensor having an output (figure 6A; also see fig. 5); a speaker subsystem (78) mounted within the drum shell (figure 3), the speaker subsystem having an input; a drum shell connector disposed on the drum shell, the drum shell connector having an input portion and an output portion, the output portion being electrically connected to the output of the trigger sensor and the input portion of the connector being electrically connected to the input of the speaker subsystem (figures 3 and 5).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 2, 5, 12, and 15, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers.

Rogers is discussed above. Rogers (claims 5 and 15) discloses power means for supplying operative electric power to the real drum trigger monitor and amplified tone module (abstract; and column 2, lines 61-66; wherein electrical and electronic require operative power to function).

Rogers does not disclose speaker frequency.

However, (claims 2 and 12) Official Notice is taken with respect to it being well known in the art to provide speaker frequency control, wherein speaker subsystems comprise: a low, high, and midrange frequency; and means for controlling an operating frequency range of the speakers.

(claims 5 and 15) Official Notice is taken with respect to it being well known in the art to use a control panel for supplying operative power.

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the teachings of that which is well known with the apparatus of Rogers, because the teachings allow the sound from the speaker to be controlled to the desired sound of the user.

8. Claims 4, 7-11, and 14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers in view of Adinolfi (5,293,000).

Rogers is discussed above. Rogers (claims 4 and 11) discloses a sound module attached to the drum shell; and a housing connector disposed on the rear of the housing, the housing connector being electrically connected to said drum shell connector when the sound module is mounted to said drum shell; an analog-to-digital

converter (inherent; the acoustic signal is converter to a digital signal in order to be applied to the MIDI interface) having an input and an output (figure 7); and an amplifier (column 5, lines 59-65) having an input and an output, the amplifier input being connected to the output of the digital-to-analog converter, the output of the amplifier being electrically connected to the output of the housing connector, whereby the output the amplifier is electrically connected the input of said speaker subsystem (inherent; figures 3, 5, and 7).

Rogers (claim 7) discloses the drum trigger monitor and amplified tone module, wherein said sound module includes: an interface connecting the input from said analog-to- digital converter to an external device; and an interface connecting an external trigger signal to the input of said analog-to-digital converter.

Rogers (claim 9) discloses a MIDI compatible interface to an external MIDI device (60).

Though, there has to be some type of tone processor involve to output the MIDI, Rogers does not discuss a tone processor.

However, Adinolfi (claims 4 and 11) discloses a drum trigger monitor and amplified tone module, comprising a sound module having: a trigger sensor (34) electrically connected to the input of the analog-to-digital converter (inherent figure 7B); a tone processor (200/310) having input and output signals, the input of the tone processor being connected to the output of the analog-to-digital converter (figure 7B); a digital-to-analog converter (inherent; analog output is provided in figure 7B) having an input and an output, the input of the digital-to-analog converter being

connected to the output of the tone processor; and an amplifier (215) having an input and an output, the amplifier input being connected to the output of the digital-to-analog converter, the output of the amplifier being electrically connected to the output connector, whereby the output of the amplifier is electrically connected the input of the speaker subsystem (220).

Adinolfi (claim 7) discloses a sound module which includes: an interface connecting the input from said analog-to-digital converter to an external device; and an interface connecting an external trigger signal to the input of said analog-to-digital converter (inherent; figures 3 and 7B, wherein the analog input (trigger signal) is converted to a digital signal and output to MIDI.

(claims 8 and 14) Official Notice is taken with respect to it being well known in the art, that the make up of a tone processor includes a microprocessor, memory, program instruction code stored on said memory, and a plurality of tones digital stored on said memory.

Adinolfi (claim 9) discloses that the tone processor a MIDI compatible interface to an external MIDI device (figure 7B).

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the teachings of Adinolfi with the apparatus of Rogers, because the teachings provide enhancement, wherein tone processing of the input is better viewed as to controlling the input signal.

Allowable Subject Matter

9. Claims 3, 6, 10, 13, and 16, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 17 and 18 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon T. Fletcher whose telephone number is 571-272-2063. The examiner can normally be reached on M-W, F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 571-272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marlon T Fletcher
Primary Examiner
Art Unit 2837

MTF
July 22, 2005